

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

In Re:	§	
	§	Case No. 22-10134
Sky Inn Operation, Inc.,	§	(Jointly Administered)
and Austin Airport Suites, LLC,	§	
	§	Chapter 11
Debtors. ¹	§	

APPLICATION FOR FINAL DECREE

THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.

IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY ONE (21) DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED IN THE MOTION MAY BE GRANTED WITHOUT A HEARING BEING HELD.

A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

.

TO THE HONORABLE U.S. BANKRUPTCY JUDGE:

COME NOW Sky Inn Operation, Inc (“Sky Inn”) and Austin Airport Suites, LLC (“AAS”) (collectively, “Debtors”), the reorganized debtors in the above captioned and numbered bankruptcy cases, to file this Application for Final Decree (“Application”), and respectfully show the Court as follows:

1. These jointly administered Bankruptcy Cases were commenced on February 28, 2022, when the Debtors filed their voluntary petitions under Chapter 11 of the Bankruptcy Code.

¹ The Debtors in this jointly administered bankruptcy case are Sky Inn Operation, Inc. d/b/a Staybridge Suites Austin Airport, a Texas corporation (EIN 47-2820872) and Austin Airport Suites, LLC, a Texas limited liability company (EIN 26-0209525).

2. On January 11, 2023, the Court signed and docketed the Order Confirming Debtors' Third Amended Chapter 11 Plan of Reorganization (the "Confirmation Order") [Doc#148].

3. All conditions precedent to the Occurrence of the Effective Date, as defined in the Confirmation Order and in the Plan of Reorganization, which is attached to the Confirmation Order (the "Plan"), have been satisfied. Debtors filed a Notice of Final Post-Effective Date Budget and Occurrence of Effective Date of Chapter 11 Plan of Reorganization on April 20, 2023 [Do#175], which established May 5, 2023, as the Effective Date of the Plan.

4. Debtors have paid all administrative claims or have made provisions for payment of any unpaid administrative claims. Kell C. Mercer and Kell C. Mercer, P.C., co-counsel for Debtors, filed its final fee application on May 26, 2023. C. Daniel Roberts and C. Daniel Roberts, PC, co-counsel for Debtors, filed its final fee application on May 31, 2023. Debtors do not anticipate any objections to the pending fee applications, and absent any such objection, the fee applications should be granted before the 21-day negative notice for this Application has expired. There are sufficient funds in the bankruptcy estate to pay the amounts requested in the fee applications as administrative claims per the Plan.

5. Debtors have begun making monthly payments to Classes 1 through 6, as required by the Plan and are current on monthly payments. In addition, Debtors have made the lump sum payments of \$1,000,000.00 to RSS COMM2015-DC1-TX SIO, LLC ("RSS"), the secured creditor, and \$296,749.43 to Holiday Hospitality Franchising, LLC in connection with assumption of the hotel licensing agreement. Debtors will continue to make monthly payments to creditors as required under the Plan.

5. Debtors are current on payments to the United States Trustee. Within 14 days

from the entry of an order granting this Application, Debtors will calculate the final amount owed to the US Trustee and remit a check for this amount as well. In addition, any unfiled reports will be filed within 14 days of the entry of an order granting this Application. Debtors would like to end the future accrual of fees to the United States Trustee by having a final decree entered as soon as possible.

6. Debtors do not anticipate filing any further litigation in this Court, including any chapter 5 causes of action. Debtors are requesting that the case be closed subject to reopening should any adversaries be filed.

7. Fed. R. Bankr. P. 3022 provides that a final decree closing a case shall be entered "(a)fter an estate is fully administered in a chapter 11 proceeding." All outstanding matters relating to the Plan will be resolved after the pending fee applications of co-counsel are granted, and it will then be appropriate to enter a Final Decree.

8. A Chapter 11 case should be closed when the Debtor's Plan has been "substantially consummated." Section 1101(2) of the Bankruptcy Code defines "substantial consummation: for Chapter 11 purposes as:

- (A) the transfer of all or substantially all of the property proposed by the plan to be transferred;
- (B) the assumption by the debtor or by the successor to the debtor under the plan of the business or of the management of all or substantially all of the property dealt with by the plan; and
- (C) the commencement of distribution under the plan.

9. Debtors have substantially consummated the confirmed Plan as contemplated by 11 U.S.C. §1101(2). As the Reorganized Debtors, they have retained ownership of the Bankruptcy Estate property which is being used in the operation of the business and which is generating the revenue from which creditors are being paid. As noted above, Debtors have made substantial distributions under the Plan and continue to make monthly payments as required by the Plan. As noted above, Debtors do not anticipate filing any further claims objections. All the assets of the estate have been administered. Any payments due to the Office of the United States Trustee will be made prior to the closing of the bankruptcy case.

10. Based on the foregoing, the instant case is ready for a final decree so that the case may be closed.

WHEREFORE, PREMISES CONSIDERED, Debtors, Sky Inn Operation, Inc and Austin Airport Suites, LLC hereby respectfully pray that the Court enter a final decree in the Bankruptcy Cases and for such other and further relief as this Court may deem just.

Respectfully submitted,

C. Daniel Roberts, PC
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droberts@cdrlaw.net

By: /s/ C. Daniel Roberts
C. Daniel Roberts
Texas Bar No. 16999200

ATTORNEY FOR SKY INN
OPERATION, INC. D/B/A STAYBRIDGE
SUITES AUSTIN AIRPORT AND
AUSTIN AIRPORT SUITES, LLC

CERTIFICATE OF SERVICE

By my signature above, I, C. Daniel Roberts, hereby certify that on June 1, 2023, a true and correct copy of the foregoing document was served via the Court's CM/ECF noticing system or regular first-class mail on the following, in addition to those parties listed on the attached creditor matrices:

Sky Inn Operation, Inc
PO Box 18865
Austin, Texas 78760

and

Austin Airport Suites, LLC
1611 Airport Commerce Drive
Austin, Texas 78741

JOINTLY ADMINISTERED DEBTORS

U.S. Trustee
903 San Jacinto Blvd., Room 230
Austin, Texas 78701

Label Matrix for local noticing

0542-1

Case 22-10134-smr

Western District of Texas

Austin

Tue Apr 18 13:24:46 CDT 2023

U.S. BANKRUPTCY COURT

903 SAN JACINTO, SUITE 322

AUSTIN, TX 78701-2450

Austin Airport Suites, LLC

1611 Airport Commerce Dr.

Austin, TX 78741-4534

Sky Inn Operation, Inc

PO Box 18865

Austin, TX 78760-8865

Armando Batarse Cardenas

1611 Airport Commerce Dr.

Austin, TX 78741-4534

Armando P Batarse Mena

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Fracc. Valle Morelos

Monterrey, Mexico

Austin, TX 78741-4534

Carlos Enrique Batarse

611 Airport Commerce Dr.

Austin, TX 78741

City of Austin DBA Austin Energy

4815 Mueller Blvd

Austin, TX 78723-3573

Holiday Hospitality Franchising, LLC

c/o Alston & Bird LLP

Attn: Leib M Lerner

333 S. Hope St 16th FL

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Travis County c/o Jason A. Starks

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United States Trustee - AU12

United States Trustee

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C. Daniel Roberts & Associates, P.C.

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Kell C. Mercer

Kell C. Mercer, P.C.

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The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

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(d)Holiday Hospitality Franchising, LLC

c/o Alston and Bird LLP

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End of Label Matrix

Mailable recipients 20

Bypassed recipients 2

Total 22

Label Matrix for local noticing

0542-1

Case 22-10135-smr

Western District of Texas

Austin

Tue Apr 18 13:25:56 CDT 2023

1st FP Austin LLC

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Buda, TX 78610-9606

Austin Airport Suites, LLC

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Austin, TX 78741-4534

ABC Home & Commercial Servicess

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Austin, TX 78724-2303

U.S. BANKRUPTCY COURT

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AT&T Global

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Carol Stream, IL 60197-5091

Alamo Austin Air

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Austin, TX 78736

Alamo Leasing Co., Inc

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Boston, MA 02241-4438

American Hotel Register Company

544 LAKEVIEW PARKWAY SUITE 300

VERNON HILLS, IL 60061-1826

American Hotel Register Company

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Austin Police Department

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Austin, TX 78768-4279

Austin Stay Operation LLC

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Austin, TX 78741-4534

BEST WASH, INC

15012 EDDIE DRIVE

HUMBLE, TX 77396-2549

BlueCross Blueshield of Texas

PO Box 731428

Dallas, TX 75373-1428

Carbon's Golden Malted

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Concordville, PA 19331-0128

City of Austin

PO Box 2267

Austin, TX 78783-2267

Dyeez Surveillance

2113 Wells Branch Pkwy Ste. 6700

Austin, TX 78728-6972

EMR Elevator Inc

2320 Michigan Ct.

Arlington, TX 76016-5870

Ecolab

PO Box 70343

Chicago, IL 60673-0343

Ecolab Inc.

655 Lone Oak Drive

Eagan, MN 55121-1651

Edward Don & Company

2562 Paysphere Circle

Chicago, IL 60674-0001

Enviro Air and Water

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Austin, TX 78746-4509

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Gardaworld

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Kansas City, MO 64184-3886

Grainger

Dept. 873194989

PO Box 419267

Kansas City, MO 64141-6267

Granite Telecommunications

PO Box 983119

Boston, MA 02298-3119

Gulf Coast Paper Co., Inc.

519 Tradesman's Park

Hutto, TX 78634-4027

HD Supply

PO Box 509058

San Diego, CA 92150-9058

Health Care Service Corporation

PO Box 731428

Dallas, TX 75373-1428

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Austin, TX 78741

Hewlett-Packard Services
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Atlanta, GA 30384-2582

Hewlett-Packard Financial Services Company
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Berkeley Heights, NJ 07922-2816

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Denver, CO 80246-1906

Humana
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Rivera Landscaping
8760 A Research Blvd #311
Austin, TX 78758-6420

Spectrum
PO Box 60074
City of Industry, CA 91716-0074

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DeKalb, IL 60115-0988

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Austin, TX 78746-6585

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Hiawatha, IA 52233-1232

Windstream
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Louisville, KY 40290-1013

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Dallas, TX 75373-3288

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Yumi Ice Cream
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End of Label Matrix Of 10

Mailable recipients 84

Bypassed recipients 1

Total 85